

AMENDED IN ASSEMBLY MAY 19, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 403

Introduced by Assembly Member Campos

February 14, 2011

An act to amend ~~Section~~ *Sections 116365.01 and 116365.5* of the Health and Safety Code, relating to drinking water standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Campos. Public drinking water standards: hexavalent chromium.

The Calderon-Sher Safe Drinking Water Act of 1996 requires the State Department of Public Health to, among other things, adopt regulations relating to primary and secondary drinking water standards for contaminants in drinking water. *Existing law requires the Department of Finance to take specified actions regarding the proposed drinking water standards not more than 90 days from when the Department of Public Health submits them.* Existing law requires the department to establish a primary drinking water standard for hexavalent chromium on or before January 1, 2004. Existing law requires the department to report to the Legislature on the progress in developing a primary drinking water standard for hexavalent chromium by January 1, 2003. Violation of certain provisions relating to public water systems is a crime.

This bill would require the department to establish a primary drinking water standard for hexavalent chromium on or before January 1, 2013, and would require the department to report to the Legislature annually

~~on the post its progress and any delays caused by other agencies, as specified subsequent to January 1, 2003, on the establishment of the standard on the department's Internet Web site. The bill would authorize the department to adopt include the adoption of a primary drinking water standard for hexavalent chromium without a required report or review from another state agency after 90 days from the date the department requests the report or review and would require the delaying state agency to report the reason for the delay to the Legislature among the proposed regulations relating to maximum contaminant levels for primary or secondary water standards that are subject to a review by the Department of Finance of not more than 90 days.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Chapter 602 of the 2001–02 Regular Session (Senate Bill
4 351) required the State Department of Public Health to adopt a
5 primary drinking water standard for hexavalent chromium. As of
6 2011, this has not yet occurred.
7 (b) Hexavalent chromium is recognized as a human carcinogen.
8 Thus, it is vital that the state take swift action to limit exposure
9 and protect public health.
10 SEC. 2. *Section 116365.01 of the Health and Safety Code is*
11 *amended to read:*
12 116365.01. (a) (1) Notwithstanding any other provision of
13 law or regulation, including Chapter 3.5 (commencing with Section
14 11340) of Part 1 of Division 3 of Title 2, and Part 3 (commencing
15 with Section 13000) of the Government Code, and except as
16 provided in subdivision (b), for any proposed regulation that relates
17 to the maximum contaminant levels for primary or secondary
18 drinking water standards, as defined in subdivisions (c) and (d) of
19 Section 116275, *including, but not limited to, a primary drinking*
20 *water standard for hexavalent chromium*, that is submitted by the
21 department to the Office of Administrative Law for review,
22 pursuant to Section 11349.1 of the Government Code, the
23 Department of Finance shall take no longer than 90 days,

commencing on the date that the department submits the rule or regulation to the Department of Finance, to do any of the following:

(A) Review any estimate pursuant to subdivision (c) of Section 11357 of the Government Code.

(B) Provide a letter or documentation, if required, pursuant to Section 11349.1 of the Government Code.

(C) Complete any other function in connection with the adoption of proposed regulations that relates to the maximum contaminant levels for primary or secondary drinking water standards, *including, but not limited to, a primary drinking water standard for hexavalent chromium*, as required pursuant to any provision of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(D) Return the proposed regulation if the department has not prepared the estimate required by paragraph (6) of subdivision (a) of Section 11346.5 of the Government Code, in accordance with Section 11357 of the Government Code.

(2) If the Department of Finance returns the proposed regulation pursuant to subparagraph (D) of paragraph (1), an additional 90 day time period under this section shall begin when the regulations are resubmitted by the department to the Department of Finance.

(3) If the Department of Finance takes longer than 90 days to complete any of the functions set forth in subparagraphs (A) to (D), inclusive, of paragraph (1), the proposed regulations shall be exempt from any provision of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code that requires the involvement of the Department of Finance, and the department and the Office of Administrative Law shall proceed with all other applicable procedures in connection with the adoption of proposed regulations.

(b) Subdivision (a) shall not apply to any regulation adopted by the department that reduces, weakens, lessens, or otherwise undermines any requirement established pursuant to this chapter for the protection of public health.

~~SEC. 2.~~

SEC. 3. Section 116365.5 of the Health and Safety Code is amended to read:

116365.5. (a) The State Department of Public Health ~~shall commence the process for adopting~~ *shall, on or before January 1, 2004, establish* a primary drinking water standard for hexavalent

1 chromium that complies with the criteria established under Section
2 116365.

3 (b) The department shall report to the Legislature on its progress
4 in developing a primary drinking standard for hexavalent chromium
5 annually, and shall report any delays caused by other agencies,
6 including, but not limited to, the Department of Finance exceeding
7 the 90-day requirement imposed pursuant to Section 116365.01.
8 by January 1, 2003. The department shall post a report on its
9 progress subsequent to that date on its Internet Web site.

10 (c) The department shall establish a primary drinking water
11 standard for hexavalent chromium on or before January 1, 2013.

12 (d) If a state agency that is required by law to review or report
13 before a primary drinking water standard for hexavalent chromium
14 is adopted by the department has not done so within 90 days of
15 the department making the request, the department may adopt the
16 primary drinking water standard for hexavalent chromium without
17 the required review or report.

18 (e) A state agency that has not remitted a review or report within
19 90 days, as required by subdivision (c) or Section 116365.01, shall
20 report to the Legislature explaining the delay.